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10/781,204	02/18/2004	Floyd Backes	160-020	1946
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Anderson Gorecki & Manaras LLP				
33 NAGOG PARK				
ACTON, MA 01720				
EXAMINER				
HAROON, ADEEL				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
07/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FLOYD BACKES,
GARY VACON,
PAUL CALLAHAN,
WILLIAM HAWE AND
ROGER DURAND

Application No. 10/781,204
Technology Center 2618

Mailed: July 23, 2008

Before DALE M. SHAW *Chief Appeals Administrator*.
SHAW, *Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 21, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

An Appeal Brief and Amendment After Final was filed on April 2, 2007. A review of the Appeal Brief, Appendix of Claims and the Amendment reveals that claim 2 in the Appendix of Claims is not consistent with Claim 2, as amended.

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner

1. to hold the Appeal Brief dated April 2, 2007, defective and advise Appellant to file a “paper” correcting the Appendix of Claims; and
2. for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

DMS/dal

cc: Anderson Gorecki & Manaras, LLP
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